

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

In re: CHAD J. REMAKLUS
AMANDA L. REMAKLUS

CASE NO.:15-33393
(Chapter 13)
:JUDGE HUMPHREY

Debtor(s)

:

MOTION FOR MODIFICATION OF PLAN POST CONFIRMATION AND NOTICE

The Debtor(s) hereby move the Court for an Approval to modify the Chapter 13 Plan. Support for the motion is set forth in the following memorandum.

MEMORANDUM IN SUPPORT

A plan has been confirmed.

Date petition filed: 10/19/15 Date of last modification: N/A

Date plan confirmed: 2/19/16 Date last modification approved: N/A

Monthly Plan Payments: Current: \$2600 Proposed: \$2900

If the plan changes the monthly payments, amended Schedules I and J are attached.

Percent to Unsecured Creditors: Current: 100% Proposed: 100 %

Length of Plan (months): Current: 60 Proposed: 60

(Above median income case must be a 60 month plan unless plan is repaying 100% to the general unsecured creditors.)

The effective date is the date of the entry of the Approval. For calculation purpose, the Trustee will use the motion filed date.

The Debtor(s) are responsible for any increase in the Payroll Deduction, TFS, or Direct Payment until such payment is adjusted.

Reason for the modification, including any changes in circumstances since last plan: The Debtors are addressing concerns expressed in Chapter 13 Trustee's Motion to Dismiss For Material Default filed on April 27, 2016 (Doc. #30). Debtors propose to increase the payment to American Budget from \$685 per month to \$1100 per month.

Debtor's attorney will make separate application for additional attorney fees as provided by LBR 2016-1.

/s/Jeffrey R. McQuiston
Attorney for Debtor(s)

/s/Chad J. Remaklus
Debtor

/s/Amanda L. Remaklus
Debtor

MODIFICATION OF CHAPTER 13 PLAN

Page _____ of _____

Debtor (last name) _____

Case no. _____

[List only creditors affected by modification]

Creditor name:

Type of Claim: (____) secured (____) unsecured (____) 507 priority (____) other

Nature of Claim:

Current Plan:

Proposed Plan:

Creditor name:

Type of Claim: (____) secured (____) unsecured (____) 507 priority (____) other

Nature of Claim:

Current Plan:

Proposed Plan:

Creditor name:

Type of Claim: (____) secured (____) unsecured (____) 507 priority (____) other

Nature of Claim:

Current Plan:

Proposed Plan:

Creditor name:

Type of Claim: (____) secured (____) unsecured (____) 507 priority (____) other

Nature of Claim:

Current Plan:

Proposed Plan:

(15-33393)

NOTICE OF MOTION FOR MODIFICATION OF PLAN POST CONFIRMATION

The Debtor(s) has filed a Motion for Modification of Plan Post Confirmation.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the Motion, then on or before **twenty –one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to Clerk, U.S. Bankruptcy Court, Southern District of Ohio, 120 W. Third St., Dayton, Ohio 45402 OR your attorney must file a response using the court's ECF System.

The court must receive your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF system or by 2) regular U.S. Mail to:

Chad J. & Amanda L. Remaklus, 7904 Darke Shelby County Line Rd., Yorkshire, OH 45388
Jeffrey R. McQuiston, 130 W. Second St., Ste. 1818, Dayton, OH 45402
Jeffrey M. Kellner, Chapter 13 Trustee, 131 N. Ludlow St., Dayton, Ohio 45402
Office of the U.S. Trustee, 170 North High St., Suite 200, Columbus, Oh 43215

If you or your attorney do not takes these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

(15-33393)

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2016, a copy of the attached was served on the following ECF participants electronically through the court's ECF System at the email address registered with the court.

(Debtor attorney)
(UST)

And on the following by ordinary U.S. Mail, on July 21, 2016:

Chad J. & Amanda L. Remaklus, 7904 Darke Shelby County Line Rd., Yorkshire, OH 45388
Attached Matrix.

Served By: /s/Jeffrey R. McQuiston

###

American Budget
671 N. Vandemark Rd.
Sidney, OH 45365

Capital One
c/o Portfolio Recovery
P.O. Box 12914
Norfolk, VA 23541

Chase
P.O. Box 9001871
Louisville, KY 40290-1871